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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,444	03/24/2004	Ronald G. Armstrong	22606.00	3360

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Richard C. Litman  
LITMAN LAW OFFICES, LTD.  
P.O. Box 15035  
Arlington, VA 22215

EXAMINER
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SUHOL, DMITRY

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/807,444

Applicant(s)

ARMSTRONG, RONALD G.

Examiner

Dmitry Suhol

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/24/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemeny '146 in view of Millgate '045. Kemeny discloses a portable display panel apparatus containing most of the claimed elements including with reference to claim 1, a plurality of lightweight rigid panels (20) having a front surface and a back surface where the front surface is covered with a hook fastener compatible material (fabric 44, col. 5, lines 9-15), a the rear surface being covered with rigid material (backing sheet 42, col. 5, lines 1-3), a rigid support frame (frame 22), a hinge (24). The rear surface of each panel being formed of a thermoplastic polymer, as required by claim 2, is described in col. 5, lines 1-3. Each panel being formed of a rigid polystyrene foam material, as required by claim 5, is described in col. 4, lines 59-61.

Kemeny lacks the teaching of a handle attached to a top of one of the panels as required by claim 1. However, Millgate discloses a foldable presentation display which teaches that it is known that such case have a panel with a handle fixedly secured thereto (handle 71). Therefore it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention, to have provided a handle fixedly secured to

the top of one of the Kemeny panels for the purpose of allowing the user to easily carry the display device.

Regarding claim 4, and an embossed area it would have been obvious to have a rear surface of one of the panels of Kemeny embossed for the purpose of aesthetics and displaying information since the examiner takes official notice that embossing a rear of a panel of a display device to either provide an decorative design or display information is well known in the art. Furthermore, the embossing feature is considered to be a design choice in that applicants do not disclose any criticality for such a feature.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemeny '146 and Millgate '045, as stated above, and further in view of Arico '690. Kemeny, as modified by Millgate, discloses most of the claimed elements, as stated above, however Kemeny fails to teach the rear surface of the plurality of panels being corrugated as required by claim 3 and the rear surface of the panels being formed from acrylonitrile butadiene styrene as required by claim 6.

Arico discloses a presentation display device, like that of Kemeny, which teaches that it is known to manufacture such devices with a rear panel made of ABS and being corrugated for the purpose of improved structural integrity (col. 4, lines 10-16). Therefore it would have been obvious to manufacture the display of Kemeny with a rear panel made of ABS material and being corrugated in order to improve structural integrity of the panel.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemeny '146 and Millgate '045, as stated above, and further in view of Beaulieu '193. Kemeny further discloses that the support frame has a lip (28) that extends slightly beyond the front surface, as required by claim 8, shown in figure 2. Although Kemeny, as modified by Millgate, does not teach specifically that the support frame of his device is made of a rigid PVC compound, Beaulieu discloses foldable display panels which teach that it is known to manufacture a frame of such panels from a PVC compound (col. 3, lines 37-39). Therefore it would have been obvious to manufacture the frame of Kemeny from a PVC compound for the purpose of cost, strength and durability. Furthermore the specific materials of construction for the frame member is considered a design choice in that applicants clearly state at page 3, paragraph 0036 that any materials could be used to construct the frame.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kemeny '146 and Millgate '045, as stated above, and further in view of Womack '524. Although Kemeny discloses that his display device may comprise an inner and two outer panels (figure 8a), he fails to explicitly teach that the outer panels are approximately half the width of the center panel as required by claim 9. However, Womack discloses a device used for display which teaches that such construction is known (figure 3). Therefore it would have been obvious to manufacture the device of Kemeny having panels with the above dimensions for the purpose of providing an easily portable, foldable and securable display device.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kemeny '146, Millgate '045, Beaulieu '193, as stated above, and further in view of Womack '524. The combination of Kemeny, Millgate, Beaulieu and Womack '524 disclose all of the claimed elements where Millgate is relied upon to teach a handle, Beaulieu is relied upon to teach a frame made of PVC compound and Womack is relied upon to teach panel dimensions as stated above.

Regarding claim 11, Kemeny further discloses that the support frame has a lip (28) that extends slightly beyond the front surface, as required by claim 8, shown in figure 2.

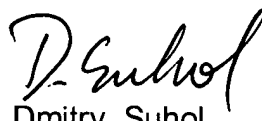
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 571-272-4430. The examiner can normally be reached on Mon - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Suhol  
Examiner  
Art Unit 3725

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